

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JENNIFER HARRIS,)	
)	
<i>Plaintiff,</i>)	
)	
vs.)	Civil Action 4:21-cv-1651
)	
FEDEX CORPORATION,)	
)	
<i>Defendant.</i>)	

**DEFENDANT’S MOTION TO EXCLUDE CONEISHA SHERROD AS AN EXPERT
AND TO EXCLUDE HER REPORT AND TESTIMONY**

Pursuant to Federal Rules of Evidence 402, 403 and 702, FedEx moves this Court for an Order excluding Coneisha Sherrod as an Expert and to Strike her Report and preclude her testimony. This Motion is being brought because Ms. Sherrod’s opinions, expressed in her Report, are neither reliable nor relevant.

1. Sherrod’s report is not relevant, reliable, or helpful to the jury and impermissibly instructs the jury as to the result they should reach.
2. Sherrod’s Report fails to use a reliable methodology.
3. Sherrod’s Report will mislead and confuse the jury.
4. Sherrod’s opinions contained in her Report amount to nothing more than impermissible legal conclusions and are unreliable.
5. Sherrod should also be excluded as an expert witness based on her impermissible bias which makes her testimony unreliable.

In further support of its Motion, FedEx contemporaneously files its Memorandum in support of its Motion as well as an evidentiary Appendix.

Pursuant to Court Procedures for Judge Kenneth M. Hoyt at VII.A, FedEx also requests leave of the Court to file a reply brief to Plaintiff's anticipated opposition.

WHEREFORE, FedEx respectfully requests that the Court exclude Coneisha Sherrod as an Expert, Strike her Report and preclude her testimony.

DATED: August 18, 2022

Respectfully submitted,

/s/ Barak J. Babcock

Barak J. Babcock

Tennessee Bar No. 024021

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ATTORNEY-IN-CHARGE

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(Admitted *Pro Hac Vice*)

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF CONSULTATION

I hereby certify that I conferred with opposing counsel on August 18, 2022, and Plaintiff opposes the motion.

s/Barak J. Babcock

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed with the Clerk of the Court using the CM/ECF system, which will send a copy to all attorneys of record.

s/Barak J. Babcock